

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8829 Ethel W. Eanet, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on July 18, 1966.

ORDERED:

That the appeal for permission to establish a private school for approximately 40 to 50 students at 6727 - 16th Street, NW. and 1453 Whittier Place, NW., lot 804, square 2733, be denied.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-1-B District.
- (2) Appellant's lot contains 16,338 square feet of land, having a 148.5 foot frontage on 16th Street and a 110 foot frontage on Whittier Place, NW., and is improved with a single story dwelling.
- (3) From 1954 until his death in September, 1965 the building was used as the residence and medical office of a physician. After his death, the office use was continued until June, 1966 by a physician who did not reside on the premises. The building is now vacant.
- (4) The property is located on the southeast corner of square 2733 which is bounded on the west by 16th Street, on the north by Aspen Street, on the west by 14th Street and on the south by Whittier Place. Rock Creek Park is directly across 16th Street from the property and the grounds of Walter Reed General Hospital are opposite and to the north of the Aspen Street side of the square. The entire block, except the 14th Street frontage, is entirely developed with single family homes. The 14th Street frontage is in the R-5-A District and is developed with apartment houses. Appellant's property is the only building on the 16th Street frontage of the square. A north-south alley bounds Appellant's property to the east and a brick wall on Appellant's property runs along the west side of this alley.

(5) Appellant proposes to sell the property of the proprietor to a private school known as The Eberhard School, which is now operated at 5217 Wisconsin Avenue, NW., which is in a C-3-A zone. It is asserted that the school has outgrown its present location, at which it is conducted in two rooms, one of which is used as an office and is shared with a lawyer.

(6) It is stated that the subject premises are the only suitable location for the school located during a two year search.

(7) The appeal requests a school for 40 to 50 students but appellant says that the peak enrollment for 1965-1966 was 34 students.

(8) The school would be open from 8:30 a.m. until 3:00 p.m. daily. The tutoring center starts at 3:30 p.m. and lasts until 5:00 p.m. each day with one hour sessions for the students. On Saturday, the tutoring center is open from 10:00 a.m. until 12 noon.

(9) Students would have a staggered lunch hour starting at 11:30 a.m. All students would be urged to bring lunches with beverages available at the school. It is asserted that no students will be permitted to use their cars at lunch time, but will remain in the recreation room or enclosed yard. A fifteen (15) minute break period would be given students during the morning, during which time they would not leave school property.

(10) Students now attending the school come principally from the northwest section of the city and nearby Maryland and Virginia. Exhibit No. 19 shows that during 1965-1966 79 of the students resided in Northwest Washington, 8 in the Northeast, 3 in the Southeast, 75 in Maryland, and 14 in Virginia.

(11) The school will have a headmaster, an associate director, and three teachers.

(12) Off-street parking for seven cars will be provided on the site according to appellant, but the Board finds that this is neither feasible nor desirable from the standpoint of the neighborhood. No transportation will be furnished by the school.

(13) The record contains 9 letters from residents of the neighborhood opposing the granting of this appeal.

(14) The letters opposing the appeal indicate objections on the ground that a school would create traffic problems, detract from the residential character of the neighborhood, create a precedent for other residents who might desire to use their property for non-residential purposes, would allow a "commercial facility" to be injected into a residential area, and would adversely affect the value of nearby property. In addition, persons residing in the neighborhood voiced similar objections at the public hearing.

(15) The record also contains 20 letters favoring the establishment of the school at the proposed location.

(16) In Appeal No. 8576, the Board denied this school permission to erect a school building at 3527 and 3535 Yuma Street, NW., part of lot 898, square 1970. The Board's Order was effective March 24, 1966.

OPINION:

If we were to decide this appeal favorably to Appellant, we would have to find, as required by Section 3101.42 (a) of the Regulations, that the school "is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions." We are unable to find that a school of approximately 50 teenage boys imposed on an entirely single family residential district would not be "likely" to impose on that district all of the objectionable conditions specified in the Regulations. On the contrary, it is our opinion that a school of the proposed size, with students of the proposed age group, would in all likelihood act as all other persons of the same age group would be likely to act. These actions are not necessarily bad, but in our opinion they should not be imposed on a quiet single family residential district, the occupants of which object strongly.

In addition, if this school were located in Appellant's property and became very successful, the pressure would be very great to enlarge the building, making it non-residential in character and appearance. We are very mindful that exactly this happened as the result of the permission granted by this Board for a ballet school at the southeast corner of Wisconsin Avenue and Porter Street, NW. We do not feel that this result would be consistent with the limitations imposed by Section 8207.2 on the authority of this Board to grant special exceptions.

In summary, we do not believe that the location of this school in Appellant's property, with the possibility of eventual enlargement, would be in harmony with the general purpose and intent of the Zoning Regulations and Maps as they affect this property, and we do believe that the location of this school in Appellant's property, with the possibility of eventual enlargement, would tend to affect adversely the use of neighboring property, which is zoned and developed by single family residences.

In addition, Section 3101.42 (b) requires that ample parking space be provided on the lot to accommodate students, teachers and visitors. Appellant proposes to locate seven parking spaces on the property, to the east of the building. Our inspection of the property leads to the conclusion that (1) seven parking spaces cannot be accommodated on the property without major disruption to the existing garage, part of the building, and to the existing wall which borders the alley, and (2) any such disruption would impose a non-residential aspect on the property. Again, we can grant this appeal only subject to the requirements of Section 8207.2 and we believe strongly that the addition of a small parking lot to the west of the alley bordering this property would affect adversely the use of neighboring property.

For these reasons the appeal is denied.